108 FRONTERA



BUILDING AND STANDARDS BOARD AGENDA ITEM #5 FOR WEDNESDAY, NOVEMBER 18, 2015

PLANNING & INSPECTIONS DEPARTMENT BUILDING SAFETY DIVISION

MEMORANDUM November 5, 2015

TO: The Honorable Chairman and Board Members

THROUGH: Victor Morrison-Vega, Deputy Director, Planning & Inspections Department

FROM: Ron Roth, Chief Building Inspector

SUBJECT: 108 Frontera Road, El Paso, TX 79922

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on September 14, 2015. The single family dwelling was built on or about 1948 constructed of Adobe covered with plaster coating and a wood framed roof structure. The structures were found open, abandoned and accessible to unwanted entry. The structures are showing signs of rapid deterioration due to lack of maintenance and exposure to the elements. The foundation shows signs of settlement which is contributing to the Adobe walls disintegrating and separating on the main structure. The accessory structure is collapsing. The plumbing, mechanical and electrical systems do not exist. There are weeds, trash and debris throughout the property.
- 2) A certified condemnation letter was mailed to the owner Elaine Edwards.
- 3) Certified notices of the public hearing scheduled for November 18, 2015 were mailed to the owners and all interested parties on November 2, 2015.
- 4) As of November 5, 2015, \$2,370.04 in current taxes is owed.

The owner has been notified of the property violations. To date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy be revoked; and
- 4) That the structures cannot be rehabilitated; and
- 5) That the structures be demolished within thirty (30) days; and
- 6) That the premises be cleaned of all trash, and debris within (30) days and maintained cleaned thereafter; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Building Safety Division September 25, 2015 NOTICE OF VIOLATION

EDWARDS ELAINE 3408 RUNNING DEER EL PASO, TEXAS 79936

> Re: 108 FRONTERA Blk: 1 UPPER VALLEY TR 11-D Zoned: R-3 ENHS 15-05064 91 7199 9991 7030 7695 7437

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.108.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.108.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.108.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other

essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

The structure located at **108 FRONTERA** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- i. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- j. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- k. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- I. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- m. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]

- n. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- o. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- p. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- q. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]
- r. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- s. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the City Development Department, Building Safety Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the City Development Department, Building Safety Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Safety Division office, 801 Texas Ave., El Paso, Texas, 79901, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at (915) 212-1815.

Nellie Avalos

Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after2referred to as the "Commission", at the following time and place:

LOCATION: El Paso City Hall, City Council Chambers, 300 N. Campbell El Paso, Texas 79901

DATE: November 18, 2015

TIME: 5:30 p.m.

PROPERTY: 108 Frontera Rd., El Paso, Texas, 79922 also described as Tract 11-D, Block 1, UPPER VALLEY SURVEYS, an addition to the City of El Paso, EL Paso County, Texas, according to the map on file in the Office of El Paso Central Appraisal District of El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Elaine Edwards, 3408 Running Deer, El Paso, TX 79936 is the owner, herein after referred to as the "Owner" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building and Safety Division, Planning & Inspections Department, 801 Texas, Avenue, El Paso, Texas, 79901, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about September 14, 2015, an inspection of the Property was conducted by the Building and Safety Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]

- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- i. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- j. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- k. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- 1. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- m. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- n. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1, 604.3.2, 604.3.2.1]
- o. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- p. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]

- q. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]
- r. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

The Owner is entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owner fails to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. The bylaws may be obtained at the Building and Safety Division, Planning & Inspections Department, 801 Texas Avenue, El Paso, Texas, 79901 or by calling (915) 212-1815.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other

interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNERS AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM	APPROVED AS TO CONTENT
	
Wendi N. Vineyard	Ron Roth, C.B.O.
Assistant City Attorney	Deputy Building Official

I, RICHARDA DUFFY MOMSEN, City Clerk of tand correct copy of the foregoing Notice regarding Paso, Texas, 79922 was PUBLISHED in the official of, 2015.	the property located at 108 Frontera Rd., El
	Richarda Duffy Momsen
I certify that a true and correct copy of the foregoin 108 Frontera Rd., El Paso, Texas, 79922 was MAII REQUESTED to:	
Elaine Edwards 3408 Running Deer	
El Paso, TX 79936	Date: Time: Inspector:
I certify that a true and correct copy of the foregoin 108 Frontera Rd., El Paso, Texas, 79922 was MAII REQUESTED to:	
Elaine Edwards 108 Frontera El Paso, Texas 79922	Date: Time: Inspector:
I certify that a true and correct copy of the foregoin 108 Frontera Rd., El Paso, Texas, 79922 was HAN	
City of El Paso C/O City Clerk 300 N. Campbell El Paso, TX 79901	Date: Time: Inspector:
I certify that a true and correct copy of the foregoin 108 Frontera Rd., El Paso, Texas, 79922 was MAII REQUESTED to:	
El Paso Central Appraisal District 5801 Trowbridge Ave. El Paso, Texas 79925	
	Date:
	Time:

I certify that a true and correct copy of the foregoing Notice regarding the property at 108 Frontera Rd., El Paso, Texas, 79922 was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe

AKA Tigua Indian Community 119 S. Old Pueblo Road	
El Paso, Texas 79907	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the f 108 Frontera Rd., El Paso, Texas, 79922 wa REQUESTED to:	Foregoing Notice regarding the property at as MAILED CERTIFIED-RETURN RECEIPT
El Paso County Clerk, Probate Dept. 500 E. San Antonio Avenue, Suite 105 El Paso, Texas 79901	
211 450, 10145 75501	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the f 108 Frontera Rd., El Paso, Texas, 79922 wa REQUESTED to:	foregoing Notice regarding the property at as MAILED CERTIFIED-RETURN RECEIPT
Delgado, Acosta, Spencer	
Linebarger, Heard & Perez, LLP	
Attn: Bonnie Cooper	
221 N. Kansas, Suite 1400 El Paso, TX 79901	
,	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the f 108 Frontera Rd., El Paso, Texas, 79922.	oregoing Notice was POSTED at
	Date:
	Time:
	Inspector:



UNSAFE STRUCTURES REPORT

PLANNING & INSPECTIONS DIVISION

DATE OF EXAMINATION: September 14, 2015 **REP. DISTRICT:** 8

ADDRESS: 108 Frontera Road, El Paso, TX 79922 ZONED: R-3

LEGAL DESCRIPTION: Tract 11-D, Block 1, UPPER VALLEY SURVEYS, an addition to the City of El Paso, El Paso County, Texas, according to the map on file in the Office of El Paso Central Appraisal District of El Paso County, Texas.

OWNER: Elaine Edwards. **ADDRESS:** 3408 Running Deer

El Paso, TX 79936

BUILDING USE: Abandoned single family dwelling.

TYPE OF CONSTRUCTION: Type V. Adobe walls covered with plaster, wood framed roof system and concrete slab foundation.

FOOTINGS: Unable to determine due to subterranean placement.

CONDITION: A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab with wood covering and some vinyl floor covering. **CONDITION:** Poor. A structural engineer should be hired to evaluate actual condition.

EXTERIOR WALLS: Adobe covered with plaster & some wood frame with sheetrock.

HEIGHT: 12' +/-**THICKNESS:** 10" +/-

CONDITION: Poor. The structures were found in an advanced state of disrepair, is showing structural failure due to lack of maintenance and exposure to the elements. Exterior walls will require a structural engineer to evaluate the entire system for structural stability and submit a report to this department with all corrective actions required to bring the system up to minimum code.

INTERIOR WALLS & CEILINGS: Adobe walls covered with plaster. Wood framed ceiling system covered with sheetrock.

CONDITION: Poor. The structures were found in an advanced state of disrepair, is showing structural failure due to lack of maintenance and exposure to the elements. There is natural light seeping through the roof and ceiling system and dry rot wood framing. A structural engineer will need to evaluate the systems for structural stability and submit a report to this department with all corrective actions required to bring the system up to minimum code.

ROOF STRUCTURE: Wood framed system covered with asphalt shingles.

CONDITION: Poor. The roof system is deteriorated due to lack of maintenance and exposure to the elements. A licensed roofing contractor in the state of Texas should be hired to evaluate the roofing system.

DOORS, WINDOWS, ETC.: Wood framed windows and doors. Some metal frame, casement windows. **CONDITION:** Poor. Several windows and doors are broken, damaged or missing.

MEANS OF EGRESS: Non-compliant

CONDITION: Poor. The windows and doors are not in compliance with the minimum code requirements and will need to be replaced.

PLUMBING: A licensed plumber should be hired to bring the plumbing system up to code.

ELECTRICAL: A licensed electrician should be hired to bring the electrical system up to code.

MECHANICAL: A licensed mechanical contractor should be hired to bring the mechanical system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes BARRICADED: No POLICE AID REQD: No

REMARKS: First investigated on September 14, 2015. The single family dwelling was built on or about 1948. The structures were found open, abandoned and accessible to unwanted entry. The structures are showing signs of rapid deterioration due to lack of maintenance and exposure to the elements. The foundation shows signs of settlement which is contributing to the Adobe walls disintegrating and separating on the main structure. The accessory structure is collapsing. The plumbing, mechanical and electrical systems do not exist. There are weeds, trash and debris throughout the property.

Nellie Avalos **Building Inspector**

TAX REPORT

